

EXHIBIT A

From: Hsiao, Winston P [<mailto:Winston.Hsiao@skadden.com>]

Sent: Tuesday, April 24, 2018 9:14 PM

To: Laurie Largent; Ryan Llorens; Kevin Lavelle

Cc: Russell, Jason D

Subject: El Pollo Loco Securities Litigation

Counsel,

Hope this finds you well. We have reviewed Plaintiffs' Reply in support of the Motion for Class Certification and believe there are grounds to move to strike portions of the Reply, or in the alternative, for leave to file a sur-reply to respond to the Reply. Pursuant to Local Rule 7-3, are you available to speak tomorrow about this possible motion? We are available at your convenience, except from 11:00 am to noon PT.

If the parties are unable to resolve the dispute, Defendants plan on filing any possible motion to strike promptly. However, given that Local Rule 6-1 requires 28 days for a regularly noticed-motion, it is already not possible for Defendants to proceed on a regularly noticed schedule and have any motion to strike heard on the same day as the hearing on Plaintiffs' Motion for Class Certification, which Plaintiffs set for May 14. The earliest hearing date would be June 4, due to the Memorial Day holiday on May 28.

In order to avoid an *ex parte* application and to give everyone ample briefing time, are Plaintiffs willing to stipulate to continue the hearing date on the Motion for Class Certification by a mere three weeks to June 4, and set the following briefing schedule on Defendant' motion to strike: (1) Defendants file their motion on April 30; (2) Plaintiffs file their opposition on May 11; (3) Defendants file their reply on May 21; and (4) the hearing on both motions is set for June 4 at 8:30, or at a day and time thereafter that is convenient to the court? We note that moving the hearing by three weeks will not require modifying the case schedule in any way. Attached is a draft stipulation. Please let us know if you will agree.

Thanks

Winston P. Hsiao

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Further information about the firm, a list of the Partners and their professional qualifications will be provided upon request.

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Capital Partners, Trimaran Pollo
Partners, L.L.C., Freeman Spogli & Co.,
Stephen J. Sather, Laurance Roberts and
Edward J. Valle*

16 DANIEL TUROCY, Individually and
17 on Behalf of All Others Similarly
18 Situated,
19 Plaintiff,
20 vs.
21 EL POLLO LOCO HOLDINGS, INC., et al.,
22 Defendants.
23)
24)
25)
26)
No. 8:15-CV-01343-DOC-KES
CLASS ACTION
STIPULATION TO CONTINUE
HEARING ON PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION AND
SET BRIEFING SCHEDULE FOR
DEFENDANTS' MOTION TO
STRIKE, OR IN THE ALTERNATIVE,
FOR LEAVE TO FILE A SUR-REPLY
Current Hearing Date & Time: May 14, 2018 at 8:30 a.m.
Requested Hearing Date & Time: June 4, 2018 at 8:30 a.m.
Judge: Hon. David O. Carter
Ctrm.: 9D

1 Lead Plaintiffs Peter Kim, Dr. Richard J. Levy, Sammy Tanner and Ron Huston
2 (collectively, the “Plaintiffs”) and Defendants El Pollo Loco Holdings, Inc., Trimaran
3 Capital Partners, Trimaran Pollo Partners, L.L.C., Freeman Spogli & Co., Stephen J.
4 Sather, Laurance Roberts and Edward J. Valle (collectively, the “Defendants”), hereby
5 stipulate and agree as follows:

6 **WHEREAS**, on December 8, 2017, Plaintiffs filed their Motion for Class
7 Certification, and set the hearing for May 14, 2018 (Dkt. No. 112);

8 **WHEREAS**, on March 8, 2018, Defendants filed their Opposition to Plaintiffs’
9 Motion for Class Certification (Dkt. No. 122);

10 **WHEREAS**, on April 24, 2018, Plaintiffs filed their Reply in support of the
11 Motion for Class Certification (Dkt. No. 129);

12 **WHEREAS**, pursuant to Local Rule 7-3, on April 25, 2018, the parties met and
13 conferred concerning Defendants’ intention to move to strike certain portions of
14 Plaintiffs’ Reply and supporting papers, or in the alternative, seek leave to file a sur-reply
15 (“Motion to Strike”), but could not resolve the dispute;

16 **WHEREAS**, given the currently scheduled May 14, 2018 hearing date on the
17 Motion for Class Certification, Defendants cannot file a regularly noticed Motion to
18 Strike in compliance with Local Rule 6-1 that can be heard prior to, or simultaneously
19 with, Plaintiffs’ Motion for Class Certification;

20 **WHEREAS**, due to the Memorial Day holiday on May 28, 2018, the earliest date
21 that the Motion to Strike can be noticed for a hearing is June 4, 2018;

22 **WHEREAS**, continuing the hearing on Plaintiffs’ Motion for Class Certification
23 will not require any changes to the Court’s October 31, 2018 Scheduling Order & Order
24 Re: Pretrial and Trial Procedures (Dkt. No. 108);

25 **WHEREAS**, in the interests of judicial efficiency, professional cooperation, and
26 to avoid burdening the Court with an *ex parte* application, Plaintiffs and Defendants
27 respectfully request the Court continue the May 14, 2018 hearing on the Motion for Class
28 Certification three weeks to June 4, 2018, and set the following briefing and hearing

1 schedule on Defendants' intended Motion to Strike: (1) Defendants file their Motion to
2 Strike on April 27, 2018; (2) Plaintiffs file their opposition brief on May 11, 2018;
3 (3) Defendants file their reply brief on May 21, 2018; and (4) the Court simultaneously
4 hears Plaintiffs' Motion for Class Certification and Defendants' Motion to Strike on June
5 4, 2018 at 8:30 a.m., or such subsequent time and date as is convenient for the Court.

6 **IT IS HEREBY STIPULATED**, subject to Court approval, between Lead
7 Plaintiffs and Defendants:

8 1. The hearing on Plaintiffs' Motion for Class Certification is continued to
9 June 4, 2018;

10 2. Defendants must file their Motion to Strike by April 27, 2018;

11 3. Plaintiffs must file their opposition brief to the Motion to Strike by May 11,
12 2018;

13 4. Defendants must file their reply brief in support of the Motion to Strike by
14 May 21, 2018;

15 5. The hearing on Plaintiffs' Motion for Class Certification and Defendants'
16 Motion to Strike is set for June 4, 2018 at 8:30 a.m., or such subsequent time and date as
17 is convenient for the Court.

18 **IT IS SO STIPULATED.**

19 DATED: 5/14/18 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
20 JASON D. RUSSELL
WINSTON P. HSIAO

21 _____/s/ Jason D. Russell
22 JASON D. RUSSELL

23 Attorneys for Defendants El Pollo Loco Holdings, Inc.,
24 Trimaran Capital Partners, Trimaran Pollo Partners,
L.L.C., Freeman Spogli & Co., Stephen J. Sather,
Laurance Roberts and Edward J. Valle

25 All other signatories listed, and on whose behalf the filing
26 is submitted, concur in the filing's content and have
authorized the filing.

1 DATED: 5/14/18

2 ROBBINS GELLER RUDMAN
3 & DOWD LLP
RYAN A. LLORENS
LAURIE L. LARGENT

4 /s/ Ryan A. Llorens
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8

9

10 DATED: 5/14/18

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19 Ron Huston

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